

superintendent, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass, and that the bill be not printed.

FAULK, Chairman.

Committee Room,
Austin, Texas, April 20, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 15, A bill to be entitled "An Act to create a more efficient road system for Hunt county, Texas,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass, and that the bill be not printed.

FAULK, Chairman.

JUDICIARY NO. 1.

Committee Room,
Austin, Texas, April 20, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 11, A bill to be entitled "An Act to authorize the Governor to purchase lands when needed for public use, and cause to be instituted condemnation proceedings therefor when necessary, in the name of the State, and to provide the procedure for such condemnation proceedings,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass, and that it be not printed.

HANGER, Chairman.

ENROLLED BILLS.

Committee Room,
Austin, Texas, April 20, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 7, "An Act to appropriate forty-seven hundred and fifty dollars, or so much thereof as may be necessary, to repair the school building belonging to the State Orphan Asylum at Corsicana, Texas, and declaring an emergency,"

And find the same correctly enrolled,

and have this day, at 3:45 p. m., presented the same to the Governor for his approval.

PERKINS, Acting Chairman.

THIRTEENTH DAY.

Senate Chamber,
Austin, Tex., Wednesday, April 22, 1903.

Senate met pursuant to adjournment. President Pro Tem. Davidson of Galveston in the chair.

Roll call. No quorum present, the following Senators answering to their names:

| | |
|-------------|------------|
| Brachfield. | Hill. |
| Davidson of | Lipscomb. |
| Galveston. | Martin. |
| Douglass. | McKamy. |
| Faubion. | Mills. |
| Faulk. | Paulus. |
| Grinnan. | Perkins. |
| Hanger. | Savage. |
| Harbison. | Sebastian. |
| Harper. | Wilson. |
| Henderson. | |

Absent.

| | |
|-------------|-----------|
| Beaty. | Hale. |
| Cain. | Hicks. |
| Davidson of | Morris. |
| DeWitt. | Patteson. |
| Decker. | Stafford. |
| Faust. | Willacy. |

On motion of Senator Sebastian, the Senate stood at ease for 30 minutes.

The Senate was again called to order by President Pro Tem. Davidson of Galveston.

Roll call. Quorum present, the following Senators answering to their names:

| | |
|-------------|------------|
| Beaty. | Harper. |
| Brachfield. | Henderson. |
| Cain. | Hicks. |
| Davidson of | Hill. |
| Galveston. | Lipscomb. |
| Douglass. | Martin. |
| Faubion. | McKamy. |
| Faulk. | Mills. |
| Faust. | Paulus. |
| Grinnan. | Perkins. |
| Hale. | Savage. |
| Hanger. | Sebastian. |
| Harbison. | Wilson. |

Absent.

| | |
|-------------|-----------|
| Davidson of | Patteson. |
| DeWitt. | Stafford. |
| Decker. | Willacy. |
| Morris. | |

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator Mills, the same was dispensed with.

The President declared the morning call concluded.

INVITATION TO THE SENATE.

Austin, Texas, April 22, 1903.

Hon. Geo. D. Neal, President of the Senate.

DEAR SIR: I have arranged for a rag-time dance to be given exclusively to the Legislators and their friends, to-night, April 22d. All members are at liberty to bring one or as many ladies as they may desire, or to extend an invitation to friends not in the Legislature. There will be no invitations given to any one except through members of the Senate and House.

Good music and a floor manager have been arranged for by the management here, and I most respectfully insist upon your accepting the invitation and your being on hand promptly at eight o'clock.

Very respectfully,

B. M. WORSHAM,

Superintendent of State Lunatic Asylum.

On motion of Senator Henderson the above invitation was accepted.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 22, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has passed the following:

Substitute House bill No. 10, A bill to be entitled "An Act to create a State Text-Book Board, and to procure for use in the public schools of the State of Texas a series of uniform text-books; defining the duties of certain officers therein named; making an appropriation therefor; defining certain misdemeanors, and providing penalties for violations of the provisions of this act, and declaring an emergency," with the following amendment:

"Section 1. The Governor of the State of Texas, as chairman of the Text-Book Board, the State Superintendent of Public Instruction, who shall be ex-officio secretary of the board, the President of the Sam Houston Normal Institute at Huntsville, Texas, the President of the North Texas Normal School at Denton, Texas, and two teachers actually engaged in teaching in the public free schools of Texas, who shall be appointed by the Governor, shall constitute a State Text-

Book Board, for the purpose of adopting and maintaining a uniform system of text-books for use in the public schools in this State, and for the further purpose of executing the provisions of this act. And the sum of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated out of which each of said teachers shall be paid the sum of five dollars per day and actual traveling expenses while engaged in actual performance of his duties while serving on said board. The said board is hereby authorized and required to select and adopt a uniform system of text-books, and the text-books so selected shall be used in the public schools of this State for a period covering five scholastic years next succeeding the date of the adoption. The said series shall include text-books on the following subjects: Spelling, a graded series of reading books, a course in language lessons, grammar and elementary English composition, geography, arithmetic, mental arithmetic, elements of physiology and hygiene, history of the United States, history of Texas, and a graded system of writing books; provided that none of said text-books shall contain anything of a partisan or sectarian character; provided, that nothing in this act shall be construed to prevent the teaching of German, Bohemian, Spanish, French, Latin or Greek in any of our schools in conjunction with the English course prescribed by this act, but the teaching of such languages shall not supersede the use of the text-books herein prescribed; and provided, that nothing herein shall be construed to prevent the use of supplementary books, but such supplementary books shall not be used to the exclusion of the books prescribed under the provisions of this act, but full use must be made in good faith of the books prescribed under this act. No teacher who is employed in a city, town or district exempt from the provisions of this law shall be selected to serve on the board. The books adopted under this act shall be continued in use in the public schools until the Legislature shall otherwise provide and the contracts made with the publishers shall provide that said books shall be continued to be furnished at the same price until other provisions shall be made.

"Sec. 2. The text-books selected by said board shall be selected after a careful examination and consideration of all presented, and shall be the best text-books in the opinion of said board, taking into consideration merit, price and the general good of the public schools and their patrons; provided also, that no book

shall be taken in exchange that was not in use in the public schools prior to May 1, 1903, or which was not purchased by book dealers for or prior to the session of 1902 and 1903; provided, that books by Texas authors or publishers shall have preference, price and merit being equal to other books offered; and provided, that any book adopted under this provision by reason of fraudulent representations made by author or publisher contracting for said book shall be forfeited and another book adopted in lieu thereof.

"Sec. 3. The Text-Book Board herein provided shall, as soon as practicable after the taking effect of this act, advertise in such a manner as they may deem best, that at a time and place fixed in the said notices, and not later than sixty days after this act takes effect, the board will receive sealed proposals. Each bid shall state specifically at what price each book will be furnished, and shall be accompanied with specimen copies of each and all books offered; and it shall be required that each bidder deposit with the Treasurer of the State of Texas such sum of money as the Text-Book Board may require, not less than five hundred dollars, nor more than two thousand five hundred dollars, according to the value of the books each bidder may propose to supply. Such deposits shall be forfeited to the State absolutely if such bidder so depositing shall fail to make and execute such contract and bond as are herein required within such time as the Text-Book Board may require, which time shall be cited in the notice advertised; and it shall be further required of all publishers submitting bids to the board for their consideration that they file with the Secretary of State affidavit that no member of this board is a stockholder of such company. And if such statement should disclose the fact that any of said stock is held by any member of this board, the same shall work a disqualification of such member, and he shall not be permitted to serve on the board created under the provisions of this act. Or if it should further be shown that any member of this board is in any way interested, directly or indirectly, in the sale or publication of any book or series of books as its author, or as an associate author, the same shall likewise work a disqualification, and he shall not be permitted to serve as a member of this board in the selection of this book or series of books. Any vacancy occurring under this act shall be filled by appointment by the Governor. All bids shall be deposited, sealed, with the Comptroller of the State, to be by him delivered to the board in session for the purpose of considering the same. All bids shall be

opened in the presence of the board. When any person has been awarded a contract, and has filed his bond and contract with the Text-Book Board, the board shall make an order on the Treasurer of the State, reciting such fact, whereupon the Treasurer shall return the deposit of such successful bidder; but if any such successful bidder shall fail to make and execute the contract and bond, as hereinbefore required, the Treasurer shall place the deposit of said bidder in the State treasury, to the credit of the available school fund, and the board shall readvertise for other bids to supply such books which the said bidder may have failed to supply. All unsuccessful bidders shall have their deposits returned to them as soon as the board has decided not to accept their bids. All books adopted by the board shall be printed in English. The board shall stipulate, in contracting, that where a change shall have been made from the books now in use the contractor or contractors shall take in exchange the respective books at present adopted by the State or any city having a population in excess of ten thousand, in part payment for the new books, and all bidders under this act shall state what allowance they will make for the said respective books by the State, or any city having a population in excess of ten thousand, now in the hands of the pupils of the public schools when offered in exchange for the new books adopted under this act; provided, that said allowance and condition for the exchange of the old books shall be in force during the scholastic year beginning September 1, 1903. The bidder or bidders to whom any contract may have been awarded shall make and execute a good and sufficient bond, payable to the State of Texas, and in a sum not less than ten thousand dollars, to be approved by the Governor; such bond is to be conditioned that the contractor or contractors shall faithfully and fully perform the conditions of the contract. The said contract and bond shall be prepared by the Attorney General and shall be made to conform to the requirements of this act. The said bond shall not be exhausted by a single recovery, but may be sued upon from time to time until the full amount thereof is recovered; and the board may at any time after twenty days' notice, require a new bond to be given. The said board shall further stipulate in contracting that the contractor or contractors shall take up all fresh and unused stocks of books of State adoption now in use or which were purchased for the session of 1902-1903 or prior thereto, which the retail dealers who handle said contractor or contract-

ors' book or books have on hand at the time said new book or books are adopted.

"Sec. 4. It shall be the duty of the State Text-Book Board to meet at the time and place mentioned in the said notice and advertisement and then and there to open and examine the sealed proposals received; and it shall be the duty of the board to make a full, complete and thorough investigation of all books and bids accompanying the same. The merit of the books shall be the main point to be considered in their adoption. The said board shall then proceed without delay to adopt for use in the public schools of this State text-books on the branches hereinbefore mentioned, and shall notify the publisher to whom contracts are awarded. Each contract shall be duly signed by the publishing house or its authorized officers and agents, and if it is found to be in accordance with the award and with the provisions of this act, and if the bond herein required is presented and duly approved, then the board shall approve said contract, and order it to be signed on behalf of the State by the Governor (who shall be ex-officio chairman of the Text-Book Board), in his capacity as chairman, and by the State Superintendent of Public Instruction (who shall be ex-officio secretary of the Text-Book Board), in his capacity as secretary; and thereupon the Governor and the State Superintendent of Public Instruction shall sign said contract in said respective capacities. All contracts shall be made in duplicate, one copy to remain in the custody of the secretary and one to be copied in full in the minutes of the meeting of the said board, in a well bound book, and the other copy to be delivered to the company or its agent. The contract and exchange price of each book shall be plainly printed on the back of each book, together with the following notice: 'The prices marked hereon are fixed by the State, and any deviation therefrom should be reported to the State Superintendent of Public Instruction at Austin.' The board shall not in any case contract with any publisher or publishers for any book or books to be used in the public schools of this State at a price in excess of the lowest price at which the said publisher or publishers furnish and distribute the same book or books under contract with any other State, county or school district in the United States; provided, that no book or books shall be purchased from any person, firm or corporation who is a member of or connected with any trust, if such book or books can be purchased from any other source at the same price.

"Sec. 5. It shall be part of the terms

and conditions of every contract made in pursuance of this act that the State of Texas shall not be liable to any contractor thereunder for any sum whatever, but all such contractors shall receive compensation solely and exclusively from the proceeds of the sale of books, as provided in this act.

"Sec. 6. As soon as such board shall have entered into the contracts for the furnishing of books for use in the public schools of this State, under the provisions of this act, it shall be the duty of the Governor to issue his proclamation announcing such fact to the people of the State.

"Sec. 7. The State Superintendent of Public Instruction shall carefully label and file away the copies of the books adopted, as furnished for examination by the Text-Book Board, which shall be securely kept as the standard of quality and excellence to be maintained in such books during the continuance of the contracts.

"Sec. 8. The party with whom such contract has been made shall establish and maintain in some city in this State a depository, where a stock of their goods sufficient to supply all immediate demands shall be kept. It shall establish and maintain in every county in the State having an enrollment of five hundred pupils or more in the public schools, as shown in the last preceding report of the county superintendent, on file in the office of the State Superintendent of Public Instruction, one or more agencies, one of which shall be at the county seat; and any person in a county not having an agency for the adopted books may order from the central agency, and the books so ordered shall be sent to him at any postoffice in such county, at the retail contract price; provided, that the price of the books so ordered shall be paid in advance. Upon failure of any contractor, under the provisions of this act, to furnish the books as provided in the contract and in this act the county judge may, in the name of the State of Texas, sue in the district court of his county and recover on the bond given by the said contractor for the full value of the books not furnished as required, and the amount so recovered shall be placed to the credit of the available school fund in the county so recovering. Unorganized counties shall be furnished through the same agency as the county to which said unorganized county is attached for judicial purposes, in the same manner as the said organized county.

"Sec. 9. As soon as practicable after the adoption of the text-books provided for in this act, the State Superintendent of Public Instruction shall address a cir-

cular letter to the county superintendents, and to the presidents of school boards in independent school districts and of all cities having a population in excess of ten thousand, which circular letter shall contain a list of the books adopted, with their respective prices and exchange prices, together with such other information as he may deem serviceable.

"Sec. 10. The State Text-Book Board may, from time to time, make necessary regulations not contrary to the provisions of this act.

"Sec. 11. Nothing in this act shall be construed to prevent or prohibit the patrons of the public schools throughout the State from procuring books in the usual way in case no contracts should be made, or if the contractor fails or refuses to furnish the books provided for in this act at the time when said books are required for use in the schools.

"Sec. 12. Any teacher or trustee who shall violate the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars for such offense, and every day of such violation shall be considered a separate offense.

"Sec. 13. The sum of five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated for the purpose of paying the cost and expense of putting into effect the provisions of this act.

"Sec. 14. The fact that the text-book law approved June 10, 1897, is about to expire by limitation, and that there will be very little time in which to put in operation the provisions of this act, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted."

Also the following concurrent resolution:

House Concurrent Resolution No. 5, Re-endorsing the recommendations of the special committee in the Twenty-seventh Legislature, with reference to Pan-American relations and trade conditions.

Respectfully,

MARK LOGAN,

Acting Chief Clerk, House of Representatives.

MOTION TO TAKE UP SENATE BILL NO. 11 LOST.

Senator Perkins moved to suspend pending business (Senate bill No. 8) and take up, out of its order, Senate bill No. 11.

The motion was lost by the following vote, the Senate insisting on taking up the Land bill:

Yeas—13.

| | |
|-------------|-----------|
| Brachfield. | Grinnan. |
| Cain. | Hale. |
| Davidson of | Harper. |
| Galveston. | Hicks. |
| Douglass. | Lipscomb. |
| Faulk. | Paulus. |
| Faust. | Perkins. |

Nays—11.

| | |
|------------|------------|
| Beaty. | Martin. |
| Faubion. | Mills. |
| Hanger. | Savage. |
| Harbison. | Sebastian. |
| Henderson. | Wilson. |
| Hill. | |

Absent.

| | |
|-------------|-----------|
| Davidson of | Morris. |
| DeWitt. | Patteson. |
| Decker. | Stafford. |
| McKamy. | Willacy. |

SENATE BILL NO. 8—LAND BILL—UNFINISHED.

The Chair laid before the Senate, unfinished business, Senate bill No. 8, the Land bill.

Senator Hill moved that the Senate reconsider the vote by which the majority committee report was adopted.

The motion prevailed, and

Senator Sebastian moved that the minority committee report be adopted.

The motion prevailed.

Following is the minority committee report:

S. S. B. No. 8.] [By Committee.

A BILL

TO BE ENTITLED

An Act to amend Sections 1, 2 and 3, of Chapter 125, Acts of the Regular Session of the Twenty-seventh Legislature, relating to the sale and purchase and manner of filing on State school and asylum lands.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Sections 1, 2 and 3, of Chapter 125, of the Acts of the Regular Session of the Twenty-seventh Legislature, approved April 19, 1901, be and the same are hereby amended so as to hereafter read as follows:

Section 1. All surveyed public free school and asylum lands shall hereafter be sold in the following manner: Between the first and fifteenth days of Jan-

uary, April, July and October, each year, after this act takes effect. The Commissioner of the General Land Office shall make out duplicate lists of all such lands that are subject to sale, giving description thereof and classification and appraisement of each tract. Lands classed as grazing shall not be sold for less than one dollar per acre, and land classed as agricultural shall not be sold for less than two dollars per acre.

All such lists shall be immediately sent to the county clerk of the counties in which such lands are situated, or, if such land is situated in an unorganized county, then to the clerk of the county to which such unorganized county is attached for judicial purposes. The county clerk shall at once post one of said lists on the court house door and record the other in a well bound book kept for that purpose, which shall be open for public inspection. All lands upon which the lease will expire by the first Tuesday in January, April, July and October after said list is made, shall be included in said lists and no lands now or hereafter leased and which lease is terminated by expiration or otherwise, shall be sold until they have been listed with the county clerk for the length of time and manner herein provided.

The lands listed as herein provided shall thereafter be subject to sale on the first Tuesday in January, April, July and October after said listing, to actual settlers only, and in quantities not to exceed four sections of six hundred and forty acres each or its equivalent, to each applicant.

Section 2. Any person desiring to purchase any of said land shall make a separate application for each tract applied for, addressed to the Commissioner of the General Land Office, describing the lands sought to be purchased. Each application shall be accompanied with the affidavit of the applicant that he desires to purchase the land for a home, and that he is not acting in collusion with others for the purpose of buying the land for any other person or corporation, and that no other person or corporation is interested directly or indirectly in the purchase thereof. He shall accompany said application with his obligation to the State, duly executed, binding himself to pay the State on the first day of November of each year thereafter, until the whole purchase price is paid, one-fortieth of the aggregate price of said land, with interest at the rate of three per cent. per annum of the whole unpaid purchase money, said interest shall also be payable on the first day of

November of each year. Said application, oath and obligation shall be filed in the office of the county clerk of the county in which the land applied for is situated or to the county to which said county is attached for judicial purposes, or where any tract of land is situated in two or more counties, the Commissioner of the General Land Office shall designate in the list sent the respective counties in which the said land is partly situated, the county in which application shall be filed for the purchase thereof.

The county clerk shall not file any application to purchase until the applicant shall have deposited with him one-fortieth of the valuation fixed in said list. Upon receipt of said application, obligation and his first payment and his fee as hereafter provided, the county clerk shall endorse officially on the application the date of the filing and record the same in a well bound book, which shall be kept for that purpose, and whenever two or more applications for the same tract or part of tract of said land are filed with the clerk on the same day, the county clerk shall record the same, but not forward either of said applications to the Commissioner of the General Land Office, nor the money accompanying the same to the State Treasurer until it shall be determined, in the manner hereafter provided, as to the person to whom same shall be awarded.

In event two or more persons file applications for the same tract or parts of tracts, the county clerk shall notify each of said rival applicants, that other persons have made application on the same day for the same land which he has applied to purchase, giving the survey number and name of original grantee as shown in said list, and said notice shall be sent by registered mail to each of said rival applicants, addressed to them at the postoffice address shown upon the application of each applicant, and said rival applicants shall on the third Tuesday in the same month by 10 o'clock a. m. file another application with said clerk, as in the first instance, to purchase the same land, which said application shall be delivered to the clerk by the applicant in person or by his duly authorized agent, which authority shall be endorsed upon said application and signed by the applicant, authorizing said agent to represent him in the matter of said application. Said application to be accompanied by the obligation of the applicant for the deferred purchase money, according to the amount bid by him, together with an amount of money which, added to the amount bid by him under his first application, will be equal to one-fortieth price bid by him

in his second application, and the said application, obligation and money shall be sealed up in an envelope before delivered to the clerk and endorsed upon it the name of the rival applicant and the land applied for. At 10 o'clock a. m. of the said Tuesday, the said county clerk, in the presence of the applicants or their agents, shall publicly open the applications separately, calling the name of the applicant and the land applied for and the price bid, and shall record each application as in the first instance, and the land shall be awarded by the Commissioner of the General Land Office to the applicant bidding the highest price therefor. In the event two or more of the applicants on the second application file for the same amount, and that being the highest price bid, said land shall be taken off the market until the next regular sale day.

The application filed with the clerk shall be forwarded to the Commissioner of the General Land Office, and the sale shall date from the first Tuesday of the month of the sale. The applicant shall have ninety days from the date of the sale within which to actually settle upon the land so purchased, and he shall within thirty days after the expiration of the said ninety days, file in the General Land Office his affidavit that he has in good faith actually settled upon the land purchased by him, which affidavit shall describe the tract so settled on as a home section, and said proof of settlement shall be corroborated by at least two disinterested persons, that said person has actually settled on the said tract, which corroborating affidavit shall be by persons residing in the county or vicinity in which said land is situated, and that they personally know the facts stated in said affidavit.

For filing and recording each application and the transmitting to the Commissioner of the General Land Office and the first payment to the State Treasurer, and other services in connection therewith, the clerk shall be entitled to a fee of one dollar for each application, to be paid by the applicant at the time of the filing of said application. The failure or refusal of the county clerk to perform any duties required in this act or the opening of any bid on a second application prior to the time fixed by this act, shall be an offense, and upon conviction he shall be fined not less than one hundred dollars, nor more than five hundred.

Should the applicant fail to make affidavit and proof as herein provided, within the time herein specified, the Commissioner of the General Land Office shall

endorse that fact upon his application, and immediately place the land upon the market on the next list sent out, as herein provided. It shall be the duty of the county surveyor, in the county which the land is situated, upon the tender of his lawful fee by any person desiring to purchase under this act, to survey and locate out any section or sections of land designated, and should he refuse so to do upon the request of such intending purchaser, made within a reasonable time before the day of sale, he shall be guilty of a misdemeanor, and upon conviction be fined in any sum not less than fifty dollars nor more than five hundred dollars.

Section 3. Every purchaser under this act shall, in person, reside upon some part of the land purchased by him or on other lands of his own within five miles of such land for three consecutive years next succeeding the date of the filing of his application with the county clerk and make proper proof of that fact by his own affidavit, corroborated by the affidavits of three or more disinterested and creditable witnesses personally cognizant of the facts. The officer taking such corroborated affidavits shall certify to the credibility of such witnesses. The affidavits shall be made before some officer authorized to administer oaths and having a seal. Upon the filing of said proof in the Land Office, together with a fee of fifty cents, the Commissioner shall, if he deems such proof sufficient, issue his certificate to that effect. After such certificate is issued, the owner may pay out his land in full with necessary fees, and obtain a patent thereon, or he may sell the same or move off of it, and not before. Before such certificate is issued, and not thereafter, anyone desiring to buy such land, or the State may attack such sale on the ground that either or all of the statements made in the affidavit of the applicant are untrue or that the purchaser has failed to actually reside upon said land for three years or has abandoned the same. One desiring to attack any sale shall file his application with the county clerk, as in other cases, at a price not less than that at which the sale was made, together with the necessary fee and first one-fortieth cash payment. Such clerk shall record the application and transmit the same and money, as in other cases. The applicant shall file his reasons for attack in the Land Office, and if his reasons be either non-settlement or abandonment, or for prior purchase of one complement of land, since April 19, 1901, or for transfer of the land prior to the issuance of the certificate by the

Commissioner as herein provided, the facts shall be investigated fully, and if the charges are sustained to the satisfaction of said Commissioner, he shall declare the former sale forfeited, and award the land to such contestant. Such forfeiture shall operate as a forfeiture of the land, and all payments made thereon to the fund to which such land and payments belonged. If the reason for attack be for any other cause sworn to in the application of the former purchaser, such person so attacking shall file his suit in the proper district court within sixty days from the date of filing of his application with the county clerk, and not thereafter. In no case shall a deed or transfer to any land sold under this act be filed in the Land Office, nor shall the account in the name of the original purchaser be changed on the books of the Treasurer, nor the Land Office, but all deeds or transfers shall be recorded in the office of the county clerk of the proper county or counties.

Sec. 2. All laws and parts of law in conflict herewith be and the same are hereby repealed.

Sec. 3. The fact that there is no adequate law providing a method of making sales of the public free school and asylum lands and there is, under the present law, serious conflicts arising between applicants for the purchase thereof, creates an emergency and an imperative public necessity, requiring the suspension of the constitutional rule which requires bills to be read on three several day in each house, and said rule is hereby suspended and this act shall take effect and be in force from and after its passage, and it is so enacted.

Action recurring on the engrossment of the bill,

Senator Hicks offered the following amendment:

"Amend by adding at the end of Section 3, page 30, line 12, the following: 'Provided, that any original lessee or his assignee who is qualified to purchase school or asylum land shall, at any time during the term of his lease, have the right to purchase as an actual settler not exceeding four sections of land, without reference to the value of any improvements thereon, and if the section or sections sought to be purchased have each improvements upon them of a permanent nature of the value of five hundred dollars or more, that then said section or sections need not be situated within the five mile radius as fixed by law, but in no case shall the right herein given to purchase lands under lease extend to more than four sections out of any lease contract.'"

RESOLUTION READ AND REFERRED.

The Chair had referred, after its caption had been read, House Concurrent Resolution No. 5.

Referred to Committee on Federal Relations.

INVITATION TO RIDE FREE.

Austin, Texas, April 22, 1903.

To the Honorable Members of the Twenty-eighth Legislature:

In connection with the dance to be given to the members of the Legislature this evening by the Institute for the Insane, I have the honor to tender yourselves and ladies free street car transportation to such dance.

The cars will leave exactly at 8 o'clock at the south gate of the capitol walk and return at 11 o'clock p. m.

FRANK E. SCOVILL,

Gen. Supt. Austin Electric Ry. Co.

On motion of Senator Mills, the above invitation was unanimously accepted.

EXECUTIVE MESSAGE.

EXECUTIVE OFFICE,
STATE OF TEXAS.

Austin, Texas, April 22, 1903.

To the Legislature:

I present as an additional subject for legislation the matter of deficiency for the maintenance of the Confederate Home and the clothing of the inmates. It is estimated by the Superintendent and the President of the Board of Managers that it will require \$16,228.60 for the months from the 1st of May, 1903, to the 31st of August, 1903, inclusive. Accompanying this is a copy of a letter from the Superintendent of the Confederate Home and a statement approving the same from the President of the Board of Managers, as well as an estimate from the State Purchasing Agent.

S. W. T. LANHAM,
Governor.

Austin, Texas, April 21, 1903.

Hon. S. W. T. Lanham, Governor of Texas, Austin, Texas.

DEAR SIR: I beg to call your attention to a verbal statement I recently considered my duty to make to you to the effect that on the 1st day of this month there was in the treasury of the State to the credit of the maintenance fund of the Confederate Home only \$4,866.99. There was appropriated by the Twenty-seventh Legislature to the maintenance fund of the Home for the current fiscal year \$45,000. When I entered upon the superin-

tendency of the Home on the 1st day of February of the current fiscal year there was to the credit of this fund only \$12,857.58. Against this amount I have drawn as Superintendent of the Home in the settlement of approved bills to the amount, including old bills for supplies consumed at the Home prior to February 1st, \$9,381. We have now to the credit of the maintenance fund only \$4,866.99. Last month (March) we were required to approve bills amounting to \$3,581, and for the present month our expenditures, for all purposes, upon the most economical lines we have so far been able to follow, will require nearly as much. At this rate we are compelled to face a deficiency for May and for the other three months of this fiscal year. All our spring clothing, hats, shoes, etc., remain undelivered and, of course, not settled for. These articles were contracted for on a cash basis by the Purchasing Agent, and it will be bad faith on our part if we receive them and require the contractors to hold their bills for a future Legislature to appropriate the money necessary for their liquidation. If the Legislature adjourns without making provision for meeting the expenses of the Home for the next four months and for the bills for clothing which we are soon to receive, it will put a stigma upon the management of the Home, so far as our clothing account is concerned, and work great disadvantage with reference to the purchase of all necessary supplies for the maintenance of the Home for the remaining months of the present fiscal year.

I am prepared to make the affidavit provided for by the General Laws of the Twenty-fifth Legislature, which will require at your hands the issuance of an order to the Comptroller for a deficiency warrant when our bills, commencing with our expenses for next month, are presented and filed in his department. Every business reason and good management seem to suggest that the present Legislature be asked to provide for these deficiencies.

My estimates for the maintenance of the Home for the four months of this fiscal year unprovided for are:

For maintenance proper.....\$12,000 00
For clothing under contract

by Purchasing Agent..... 4,228 60

Total.....\$16,228 60

Respectfully submitted,

JAS. Q. CHENOWETH,
Superintendent.

I have carefully examined the foregoing statement of the Superintendent of the Confederate Home, and approve the same. His statements are correct and his estimates for the maintenance of the

Home for the four unexpired months of the present fiscal year are moderate and absolutely necessary for an economical maintenance of the Home.

Respectfully,

W. H. RICHARDSON,
President Board of Managers.

Bills outstanding and not paid:

| | |
|------------------------------|------------|
| Suits for summer..... | \$2,429 85 |
| Hats for summer..... | 127 50 |
| Shoes | 552 00 |
| Extra pants | 831 25 |
| Undershirts and drawers..... | 288 00 |

Total.....\$4,228 60

Above estimated as accounts now outstanding in Purchasing Agent's office.

W. B. ANDERSON,
State Purchasing Agent.

On motion of Senator Henderson, the message was referred to the Committee on Finance.

RECESS.

On motion of Senator Wilson, the Senate, at 12:32 o'clock, took a recess until 3 o'clock p. m. today.

AFTER RECESS.

The Senate was called to order by President Pro Tem. Davidson of Galveston.

SIMPLE RESOLUTIONS.

(By unanimous consent.)

Senator Faulk offered the following resolution:

Whereas, It is of great importance and the universal welfare of the people of Texas demands the passage of the General Appropriation bill and the Uniform Text-Book bill, now pending before the Legislature; therefore, be it

Resolved by the Senate, That after this day there shall be held three sessions as follows: morning, afternoon and night sessions, and that the Uniform Text-Book bill and the Appropriation bill be considered during the day sessions and other bills and matters coming and pending before the Senate be considered at the night sessions, except in all cases where bills are taken up by unanimous consent.

The resolution was adopted.

Senator Wilson offered the following resolution:

Whereas, Hon. Chas. A. Culberson, ex-Governor of Texas, now United States Senator from this State, is in the city; therefore, be it

Resolved, That the honors of the Texas Senate be extended to him.

The resolution was unanimously adopted.

PENDING BUSINESS (SENATE BILL NO. 8) RESUMED.

Question being on the amendment offered by Senator Hicks,

Senator Harper offered the following substitute for the amendment:

"Amend Section 3, page 30, line 12, by inserting after the word 'counties' the following: 'Provided, any original lessee, or his assignee, holding a valid lease from the State of Texas, shall, sixty days prior to the expiration of his lease, have a preference right to purchase four sections of land as an actual settler, described in his lease, without reference to the five mile radius; provided, that in no case shall the preference right exceed four sections in any original lease; provided further, that said lessee or assignee shall within thirty days prior to the expiration of his lease notify the county clerk, designating the section or sections he intends to purchase; said notification to be recorded in the office of the county clerk, and become a part of the county records.'"

Senator Hicks then asked unanimous consent to withdraw his amendment.

There being no objection, the same was withdrawn.

Senator Harper's amendment then became an amendment to the bill.

Senator Sebastian offered the following amendment to the amendment:

"Provided further, that no preference of purchase under this act shall inure to the benefit of any one except the original leaseholder or his assignee to whom has been assigned the entire original lease, and then only for the purchase of four sections, and not to any person or persons to whom has been assigned some part of the original leasehold, and the purpose of this act is to prevent more than one person from purchasing four sections as an assignee under an original leasehold."

SENATE BILL NO. 12 ON FIRST READING.

By Senator Wilson:

Senate bill No. 12, A bill to be entitled "An Act making an appropriation for the sum of sixteen thousand two hundred and twenty-eight dollars and sixty cents (\$16,228.60), or so much thereof as may be necessary, for the support and maintenance of the Confederate Home at Austin, Texas, and declaring an emergency."

Read first time, and referred to Committee on Finance.

FREE CONFERENCE COMMITTEE REPORT.

Austin, Texas, April 22, 1903.

Hon. Geo. D. Neal, President of the Senate, and Hon. Pat M. Neff, Speaker of the House of Representatives.

SIRS: Your Free Conference Committee, consisting of Senators Hicks, Faust, Stafford, Lipscomb and Harbison on the part of the Senate, and Messrs. Beaty, Isaacks, Rowland, Cunningham and Kyle on the part of the House, appointed to adjust the differences between the House and Senate on House bill No. 13, have had the same under consideration and beg leave to submit the following report:

"Amend by striking out 'Bexar county' and inserting 'Jefferson and Maverick counties' to the bill; amend further by adding to the caption the following: 'And regulating the compensation of certain officers.'"

Respectfully submitted,

HICKS,
HARBISON,
LIPSCOMB,
FAUST,

On part of the Senate.

ROWLAND,
ISAACKS,
BEATY,
CUNNINGHAM,
KYLE,

On part of the House.

On motion of Senator Hicks, the above report was adopted.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 22, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee report on House bill No. 13.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

COMMITTEE REPORT.

The following committee report was offered:

FINANCE.

Committee Room,

Austin, Texas, April 22, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Finance, to whom was referred

Senate bill No. 12, A bill to be entitled "An Act making an appropriation for

the sum of \$16,228.60, or so much thereof as may be necessary, for the support and maintenance of the Confederate Home at Austin, Texas, from May 1, 1903, to September 1, 1903, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*, and that the bill be not printed.

WILSON, Chairman.

TEN MINUTES RECESS.

Senator Mills moved that the Senate take a recess for ten minutes.

The motion prevailed.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Neal.

SENATE BILL NO. 12.

On motion of Senator Wilson, pending business (Senate bill No. 8) was suspended, and the Senate took up, out of its order, Senate bill No. 12.

Senator Wilson moved that the Senate rule requiring committee reports to lie over for one day be suspended.

The motion prevailed, and

On further motion of Senator Wilson, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its second reading by the following vote:

Yeas—26.

| | |
|-------------|------------|
| Beaty. | Henderson. |
| Brachfield. | Hicks. |
| Cain. | Hill. |
| Davidson of | Lipscomb. |
| Galveston. | Martin. |
| Douglass. | McKamy. |
| Faubion. | Mills. |
| Faulk. | Paulus. |
| Faust. | Perkins. |
| Grinnan. | Savage. |
| Hale. | Sebastian. |
| Hanger. | Willacy. |
| Harbison. | Wilson. |
| Harper. | |

Absent.

| | |
|-------------|-----------|
| Davidson of | Morris. |
| DeWitt. | Patteson. |
| Decker. | Stafford. |

The Chair laid before the Senate, on its second reading,

Senate bill No. 12, A bill to be entitled

"An Act making an appropriation for the sum of \$16,228.60, or so much thereof as may be necessary, for the support and maintenance of the Confederate Home at Austin, Texas, from May 1, 1903, to September 1, 1903, and declaring an emergency."

Bill was read second time, and ordered engrossed.

On motion of Senator Wilson, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

| | |
|-------------|------------|
| Beaty. | Hicks. |
| Brachfield. | Hill. |
| Cain. | Lipscomb. |
| Davidson of | Martin. |
| Galveston. | McKamy. |
| Douglass. | Mills. |
| Faubion. | Paulus. |
| Faulk. | Perkins. |
| Faust. | Savage. |
| Grinnan. | Sebastian. |
| Hale. | Willacy. |
| Harper. | Wilson. |
| Henderson. | |

Absent.

| | |
|-------------|-----------|
| Davidson of | Harbison. |
| DeWitt. | Morris. |
| Decker. | Patteson. |
| Hanger. | Stafford. |

The bill was read third time, and passed by the following vote:

Yeas—25.

| | |
|-------------|------------|
| Beaty. | Henderson. |
| Brachfield. | Hicks. |
| Cain. | Hill. |
| Davidson of | Lipscomb. |
| Galveston. | Martin. |
| Douglass. | McKamy. |
| Faubion. | Mills. |
| Faulk. | Paulus. |
| Faust. | Perkins. |
| Grinnan. | Savage. |
| Hale. | Sebastian. |
| Hanger. | Willacy. |
| Harper. | Wilson. |

Absent.

| | |
|-------------|-----------|
| Davidson of | Morris. |
| DeWitt. | Patteson. |
| Decker. | Stafford. |
| Harbison. | |

Senator Wilson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

COMMITTEE REPORT.

(By unanimous consent.)

FEDERAL RELATIONS.

Committee Room,
Austin, Texas, April 22, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Federal Relations, to whom was referred

House Concurrent Resolution No. 5, Referring to Pan-American relations, and authorizing reprinting certain reports in the Journal,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it be adopted, and be not printed.

HENDERSON, Chairman.

PENDING BUSINESS (SENATE BILL NO. 8) RESUMED.

Question being on the amendment to the amendment,

Senator Sebastian withdrew his amendment to the amendment.

The question then being on the amendment offered by Senator Harper,

Senator Grinnan offered the following substitute for the amendment:

"Amend by adding after line 12, page 30, the following:

"Where any section of land has permanent improvements thereon of the value of five hundred dollars, or over, the Commissioner of the General Land Office shall value said improvements separately, and the person purchasing said land under this act shall, within thirty days after said land is awarded to him by said Commissioner, pay the person owning said improvements the value thereof as fixed; and should said purchaser fail to so pay for said improvements, said purchase shall become forfeited and said land shall be subject to sale as provided by this act."

Senator Hicks made a point of order that the substitute offered did not contain a substance of the amendment that it was offered for.

The Chair overruled the point of order. (Senator Brachfield in the chair.)

Senator Perkins moved the previous question on the substitute and the amendment.

The previous question being duly seconded, it was so ordered.

The substitute was lost by the following vote:

Yeas—7.

Brachfield. Grinnan.
Douglass. Hale.

Henderson. Sebastian.
Martin.

Nays—18.

Beaty. Hill.
Cain. Lipscomb.
Davidson of McKamy.
Galveston. Mills.
Faubion. Paulus.
Faulk. Perkins.
Faust. Savage.
Hanger. Stafford.
Harper. Willacy.
Hicks.

Absent.

Davidson of Morris.
DeWitt. Patteson.
Decker. Wilson.
Harbison.

The amendment was then adopted by the following vote:

Yeas—15.

Beaty. Hicks.
Davidson of Hill.
Galveston. Lipscomb.
Faubion. McKamy.
Faulk. Mills.
Faust. Paulus.
Hanger. Stafford.
Harper. Willacy.

Nays—10.

Brachfield. Henderson.
Cain. Martin.
Douglass. Perkins.
Grinnan. Savage.
Hale. Sebastian.

Absent.

Davidson of Morris.
DeWitt. Patteson.
Decker. Wilson.
Harbison.

Senator Davidson of Galveston offered the following substitute for the amendment:

"Such notice shall be prepared and furnished by the said Commissioner and published once a week for four consecutive weeks prior to said sale, in three daily newspapers, published in the State of Texas, and also six weekly newspapers published in the State of Texas, designated by the said Commissioner; provided, that at least three of said weekly newspapers shall be published in the sections of the State where the land to be sold is located. Said Commissioner shall keep and preserve in his office an original copy of each of said publications of said sale, and same shall be copied in the records of his office, which record, together with said originals, shall constitute a part of the archives of said office."

"The amounts or sums to be paid for said publications shall be fixed and agreed upon by the said Commissioner and the State printer of the one part, and the owner and publisher of said newspaper of the other, and the cost of such publications shall be paid by the said Commissioner of and from the fund derived from said sales; provided, however, that such disbursements shall be repaid to said fund by appropriations from the general revenue. In all questions or controversies in any courts, involving the sale of said land, prerequisites to said sale, as to giving or publishing notices thereof, as herein provided, shall be presumed to have been performed."

Senator Henderson offered the following amendment to the amendment:

"Amend the amendment by striking out the words 'to be paid from the proceeds of sales' and insert 'to be paid from the appropriation made for public printing.'"

The amendment to the amendment was adopted.

Senator Perkins moved the previous question on the amendment as amended.

The previous question was duly seconded, and was so ordered.

The amendment as amended was then adopted.

Senator Sebastian offered the following amendment:

"Add at the end of Section 3 of the bill the following: 'Provided further, that no preference right of purchase under this act shall inure to the benefit of any one except the original leaseholder or his assignee to whom has been assigned the entire original lease, and then only for the purchase of four sections upon which there are improvements to the value of five hundred dollars or more, and not to any person or persons to whom has been assigned some portion of the original leasehold, and the purpose of this act is to prevent more than one person from purchasing four sections of land as an assignee of an original leaseholder.'"

The amendment was adopted.

Senator Brachfield offered the following amendment:

"Amend page 25, line 12, by inserting the word 'been' after the word 'have.'"

The amendment was adopted.

Senator Brachfield offered the following amendment:

"Amend page 27, line 30, by inserting after the word 'purchase' the following: 'Unless he is already an actual settler on other lands owned or purchased by him situated within a radius of five miles of said land.'"

The amendment was adopted.

Senator Brachfield offered the following amendment:

"Amend page 28, line 5, by inserting after the word 'tract' the following: 'Or that he is an actual settler on other lands within five miles thereof.'"

The amendment was adopted.

Senator Brachfield offered the following amendment:

"Amend page 28, line 1, by inserting the words 'a part of' after the word 'upon.'"

The amendment was adopted.

Senator Brachfield offered the following amendment:

"Amend page 26, line 5, by striking out the word 'or' after the word 'purposes,' and insert in lieu thereof the word 'and.'"

The amendment was adopted.

Senator Brachfield offered the following amendment:

"Amend page 28, line 17, by inserting the word 'dollars' after the word 'hundred' where it appears the second time."

The amendment was adopted.

Senator Brachfield offered the following amendment:

"Amend page 28, line 8, by inserting after the word 'transmitting' the words 'the same.'"

The amendment was adopted.

Senator Brachfield offered the following amendment:

"Amend page 29, line 6, by inserting the word 'corroborating' in lieu of the word 'corroborated.'"

The amendment was adopted.

Senator Brachfield offered the following amendment:

"Amend page 28, line 23, by inserting the word 'of,' in lieu of the word 'in' after the word 'surveyor,' and by inserting the word 'in' after the word 'county.'"

The amendment was adopted.

Senator Brachfield moved the previous question on the bill, the same being duly seconded was so ordered.

Bill was read second time, and ordered engrossed.

On motion of Senator Douglass, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—22.

| | |
|-------------|------------|
| Beaty. | Harper. |
| Brachfield. | Henderson. |
| Cain. | Hicks. |
| Davidson of | Hill. |
| Galveston. | Lipscomb. |
| Douglass. | McKamy. |
| Faubion. | Mills. |
| Faust. | Paulus. |
| Grinnan. | Perkins. |
| Hanger. | Savage. |

Sebastian. Willacy.
Stafford.
Martin. Present—Not voting.

Absent.

Davidson of Harbison.
DeWitt. Morris.
Decker. Patteson.
Faulk. Wilson.
Hale.

The bill was read third time, and passed by the following vote:

Yeas—22.

Beaty. Henderson.
Brachfield. Hicks.
Cain. Hill.
Davidson of Lipscomb.
Galveston. Mills.
Douglass. Paulus.
Faubion. Perkins.
Faust. Savage.
Grinnan. Sebastian.
Hanger. Stafford.
Harper. Willacy.

Nays—1.

Martin.

Absent.

Davidson of Harbison.
DeWitt. Morris.
Decker. Patteson.
Faulk. Wilson.

PAIRED.

Senator McKamy (present) who would vote "nay," with Senator Hale (absent) who would vote "yea."

Senator Douglass moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

INVITATION.

Senator Davidson of Galveston offered the following invitation:

Austin, Texas, April 22, 1903.

To the Honorable Lieutenant Governor and the Members of the Senate of the State of Texas, Austin, Texas.

HONORED SIRS: A meeting of the Board of Medical Examiners for the State of Texas is now being held on the first floor of the Driskill Hotel building, in Austin. There are ninety-seven applicants taking examinations, from all parts of Texas, and a number from other States.

This board extends a cordial invitation to your honorable body to visit the place of examination, individually or collectively, at such time as would suit your

convenience, and see somewhat the practical workings of this board, which was appointed in accordance with the new medical law enacted two years ago. A visit from you would be highly appreciated by the applicants, as well as the board.

Very respectfully,

J. T. WILSON,
S. R. BURROUGHS,
J. W. SCOTT,
J. C. JONES,
F. PASCHAL,
J. H. REUSS,
J. H. EVANS,
D. J. JENKINS,
M. M. SMITH.

Senator Davidson of Galveston moved the invitation be accepted.

The motion prevailed.

SIMPLE RESOLUTIONS.

Senator McKamy offered the following resolution:

Whereas, The Hon. Dudley G. Wooten, a prominent citizen of Texas, an ex-member of the Texas Legislature and member of the United States Congress, is now in the city of Austin, the privileges of the Senate are hereby extended to him during his sojourn with us.

The resolution was unanimously adopted.

ADJOURNMENT.

On motion of Senator Perkins the Senate, at 6:30 o'clock p. m., adjourned until 9 o'clock a. m. tomorrow.

APPENDIX.

ENGROSSED BILLS.

Committee Room,
Austin, Texas, April 22, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 12, A bill to be entitled "An Act making an appropriation for the sum of \$16,228.60, or so much thereof as may be necessary, for the support and maintenance of the Confederate Home at Austin, Texas, from May 1, 1903, to September 1, 1903, and declaring an emergency,"

And find the same correctly engrossed.
GRINNAN, Acting Chairman.